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EXAMINER

BOUTAH, ALINA A

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,845

Applicant(s)

HAUGLAND ET AL.

Examiner

Alina N. Boutah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 42, 43, 45-53, 62 and 63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33, 42, 43, 45-53 and 62-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/1/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's amendment filed October 21, 2005.

Claims 1-33, 42, 43, 45-53 and 62-63 are pending in the present application.

In view of the Appeal Brief filed on June 30, 2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 45-53 and 62-63 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed "computer-readable medium" is not limited to tangible embodiments. In view of Applicant's disclosure, specification page 18, line

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10, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., RAM, ROM, CD-ROM, disks, etc.) and intangible embodiments (e.g., carrier waves). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-12, 17, 23, 25, 27-28, 31-33, 42-43, 45-48, 51-53, and 62-63 are rejected under 35 U.S.C. 103(a) as being obvious over Shane et al. (U.S. Patent No. 5,752,022 hereinafter Shane).

In considering claims 1, 8, 31, 46, 48, and 51, Shane discloses a method for inducing a contact to invoke a resource prepared by a promoter on a network, the method comprising:

generating a resource location description for the resource by the promoter, the resource location description including the name of the contact (figures 2 and 3; col. 4, lines 9-16; col. 5, lines 1-10);

providing access to the resource at a location on the network according to the resource location description (figures 2 and 3; col. 4, lines 20-32) and;

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notifying the contact about the resource location description for the resource (col. 4, lines 16-19).

In considering claim 2, Shane discloses tailoring content in the resource in response to the resource location description used to access the resource (col. 2, lines 65-67 through col. 3, 1-3).

In considering claim 3, Shane discloses providing access to the resource at the location comprising placing the resource at the location (col. 5, lines 8-20).

In considering claim 4, Shane discloses an operating system to divert a request for the resource at the location to a second location where the resource resides (see fig. 4B, 116, 118).

In considering claim 5, Shane discloses a method wherein a request for the resource includes the resource location description; and the method further comprises generating content for the document dynamically in response to the resource location description in the request (col. 5, lines 21-35).

In considering claim 7 and 47, Shane discloses setting up a contact database; and automatically retrieving the contact name from the contact database before the generating the resource location description (col. 2, lines 55-60).

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In considering claim 9, Shane discloses wherein the resource location description is a universal resource locator address (col. 2, lines 28-39).

In considering claims 10 and 11, Shane discloses wherein the resource location description includes a directory name; and the generating comprises the contact name in the directory name (col. 4, lines 10-16 and col. 5, lines 50-56).

In considering claims 12, Shane discloses making a resource location description unique among a plurality of other resource location description corresponding to a plurality of contacts (Col. 6, lines 15-20).

In considering claim 17, Shane discloses updating a domain file name to include the host name for use by the domain name server (col. 5, lines 46-56).

In considering claim 23, Shane discloses the generating further comprising making a subdomain name in the resource location description unique among a plurality of other document location descriptions corresponding to the plurality of contacts and sharing a common higher level domain name (col. 4, lines 9-11 and col. 5, lines 51-62; see also fig.2).

In considering claim 25, Shane discloses the tailoring further comprising including information associated with the contact in a contact database into the content of the resources (Col. 4, line 44-50).

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In considering claim 27, Shane discloses denying access to the resource if a request for a resource does not include a predetermined authentication (col. 4, 56-65).

In considering claim 28, Shane discloses dynamically tailoring content in the resource in response to authentication in a request for the resource (col. 4, lines 56-65).

In considering claims 32 and 52, Shane discloses the step of configuring further comprises treating requests as visits to a persistent web site belonging to the contact (col. 6, lines 29-35 and col. 7, lines 45-49).

In considering claims 33 and 53, Shane discloses the method further comprises receiving content for the persistent web site from the contact; and the step of configuring further comprises presenting content from the contact in response to the request (col. 4, lines 44-50 and col. 5, lines 4-7).

In considering claims 42-43, 45, and 62-63, Shane discloses a method of promoting a cause to a contact, the method comprising: including a name of the contact in a network address associated with the cause; including the network address in material sent to the contact and; broadcasting the networks address to a plurality of targets (col. 4, lines 6-19 and Fig 3).

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Claims 6, 13-16, 18-22, 24, 26, 29-30, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shane in view of LeMole (U.S. Patent No. 6,009,410 hereinafter LeMole).

In considering claims 6 and 26, although Shane discloses the system substantially as claimed Shane does not disclose the method comprising logging activity involving the resource, and changing content in response to the activity logged. Nonetheless logging activity and changing the content in response to the logged activity is well known. In similar art LeMole discloses wherein user activity about a resource is logged and an advertising page is created based on the user's profile stored in the user profile database (col. 4, lines 47-56). Thus given the teaching of LeMole, a person having ordinary skill in the art would have recognized the advantages and desirability of modifying the system as disclosed by Shane to include the step of logging activity involving the resource; and changing content in response to the activity logged in order to provide customized pages to the user. Therefore the claimed limitation would have been obvious modifications.

In considering claims 13-16, 24 and 49 while the combined system of Shane and LeMole discloses the system substantially as claimed it does not explicitly disclose making the resource location description unique by making changes to the characters and domain.

Nonetheless, Examiner takes official notice that making changes to the characters or domain to make a URL unique is well known in the art. It would have been obvious to a person having ordinary skill in the art to make the resource location description unique by modifying the

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characters and the domain in order to ensure that the variety of promotions are recipient specific thus ensuring creativity in the targeted advertising. Therefor the claimed limitations would have been obvious modification to the combined system of Shane and LeMole.

In considering claim 18-22 and 50, while the combined system of Shane and LeMole discloses the system substantially as claimed it does not explicitly disclose terminating access to the resource at the location when a promotion ends or reaches a predetermined stage.

Nonetheless Examiner takes official notice that the aforementioned limitations are well known features of Internet advertisements.

It would have been obvious to include the steps of terminating access to the resource at the location when a promotion ends or reaches a predetermined stage in order to allow the user to have access to a variety of promotions that are available. Therefor the claimed limitations would have been obvious modification to the combined system of Shane and LeMole.

In considering claims 29 and 30, although the combined system of Shane and LeMole discloses the invention substantially as claimed it does not disclose launching a credit card purchase process in response to activity logged and directing user acting on a document to a secure socket layer. Nonetheless Examiner takes official notice that the aforementioned limitations are well known features of e-commerce sites. It would have been obvious to include the steps into the combined system of Shane and LeMole in order to provide the user with purchasing capabilities on visited sites.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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